



General Assembly

January Session, 2019

Raised Bill No. 7130

LCO No. 4111



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING PROBATE COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section:
- 2 (1) "eFiling system" means the system maintained by the Probate
3 Court Administrator by which a person can use the Internet to file,
4 send and receive documents, view court records and pay court fees
5 and expenses in Probate Court matters.
- 6 (2) "eFiling access" means use of the eFiling system to view Probate
7 Court records online.
- 8 (3) "Electronic service" or "eService" means use of the eFiling system
9 to send a filing, notice or other document.
- 10 (4) "Registered filer" means a person who has registered to use the
11 eFiling system.
- 12 (b) The Probate Court or a party or attorney in a Probate Court
13 matter may send any filing, notice or other document to a registered

14 filer by electronic service if the court has granted the registered filer's
15 request for eFiling access to the matter. Electronic service shall satisfy
16 any requirement under law concerning the transmission of the filing,
17 notice or document by means other than personal service.

18 Sec. 2. Section 17a-101j of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective January 1, 2020*):

20 (a) After the investigation has been completed and the
21 Commissioner of Children and Families has reasonable cause to
22 believe that sexual abuse or serious physical abuse of a child has
23 occurred, the commissioner shall notify the appropriate local law
24 enforcement authority and the Chief State's Attorney or the Chief
25 State's Attorney's designee or the state's attorney for the judicial
26 district in which the child resides or in which the abuse or neglect
27 occurred of such belief and shall provide a copy of the report required
28 in sections 17a-101a to 17a-101c, inclusive, and 17a-103.

29 (b) Whenever a report has been made pursuant to sections 17a-101a
30 to 17a-101c, inclusive, and 17a-103, alleging that abuse or neglect has
31 occurred at an institution or facility that provides care for children and
32 is subject to licensure by the state for the caring of children, and the
33 Commissioner of Children and Families, after investigation, has
34 reasonable cause to believe abuse or neglect has occurred, the
35 commissioner shall forthwith notify the state agency responsible for
36 such licensure of such institution or facility and provide records,
37 whether or not created by the department, concerning such
38 investigation.

39 (c) If, after the investigation is completed, the commissioner
40 substantiates an allegation of abuse or neglect against an individual
41 who has been appointed guardian of a child by the Probate Court, the
42 commissioner shall notify the Probate Court of such substantiation.

43 (d) If, after the investigation is completed, the commissioner
44 substantiates an allegation of abuse or neglect against an individual
45 who resides in the household of a guardian appointed by the Probate

46 Court for a child, the commissioner shall notify the Probate Court of
 47 such substantiation.

48 ~~[(d)]~~ (e) If, after the investigation is completed, the commissioner
 49 determines that a parent or guardian inflicting abuse or neglecting a
 50 child is in need of treatment for substance abuse, the commissioner
 51 shall refer such person to appropriate treatment services.

52 ~~[(e)]~~ (f) For purposes of this section, "child" includes any victim
 53 described in subdivision (2) of subsection (a) of section 17a-101a.

54 Sec. 3. Section 45a-2a of the general statutes is repealed and the
 55 following is substituted in lieu thereof (*Effective from passage*):

56 [Not later than March 31, 2010, the] The Probate Court
 57 Administrator shall designate a name for each probate district
 58 established in section 45a-2. Prior to designating such names, the
 59 Probate Court Administrator may consult with affected probate judges
 60 and chief elected officials, and with members of the General Assembly
 61 with respect to the districts they represent. [Not later than December
 62 31, 2010, the] The Probate Court Administrator shall publish the
 63 district names in the Probate Court's Directory of Judges and Districts.
 64 [On and after the date that such district names are published, the
 65 probate districts shall be referred to by such names.]

66 Sec. 4. Subsection (b) of section 45a-106a of the general statutes is
 67 repealed and the following is substituted in lieu thereof (*Effective July*
 68 *1, 2019*):

69 (b) The fee to file each of the following motions, petitions or
 70 applications in a Probate Court is [two hundred twenty-five] two
 71 hundred fifty dollars:

72 (1) With respect to a minor child: (A) Appoint a temporary
 73 guardian, temporary custodian, guardian, coguardian, permanent
 74 guardian or statutory parent, (B) remove a guardian, including the
 75 appointment of another guardian, (C) reinstate a parent as guardian,

76 (D) terminate parental rights, including the appointment of a guardian
 77 or statutory parent, (E) grant visitation, (F) make findings regarding
 78 special immigrant juvenile status, (G) approve placement of a child for
 79 adoption outside this state, (H) approve an adoption, (I) validate a
 80 foreign adoption, (J) review, modify or enforce a cooperative
 81 postadoption agreement, (K) review an order concerning contact
 82 between an adopted child and his or her siblings, (L) resolve a dispute
 83 concerning a standby guardian, (M) approve a plan for voluntary
 84 services provided by the Department of Children and Families, (N)
 85 determine whether the termination of voluntary services provided by
 86 the Department of Children and Families is in accordance with
 87 applicable regulations, (O) conduct an in-court review to modify an
 88 order, (P) grant emancipation, (Q) grant approval to marry, (R)
 89 transfer funds to a custodian under sections 45a-557 to 45a-560b,
 90 inclusive, (S) appoint a successor custodian under section 45a-559c, (T)
 91 resolve a dispute concerning custodianship under sections 45a-557 to
 92 45a-560b, inclusive, and (U) grant authority to purchase real estate;

93 (2) Determine paternity;

94 (3) Determine the age and date of birth of an adopted person born
 95 outside the United States;

96 (4) With respect to adoption records: (A) Appoint a guardian ad
 97 litem for a biological relative who cannot be located or appears to be
 98 incompetent, (B) appeal the refusal of an agency to release information,
 99 (C) release medical information when required for treatment, and (D)
 100 grant access to an original birth certificate;

101 (5) Approve an adult adoption;

102 (6) With respect to a conservatorship: (A) Appoint a temporary
 103 conservator, conservator or special limited conservator, (B) change
 104 residence, terminate a tenancy or lease, sell or dispose household
 105 furnishings, or place in a long-term care facility, (C) determine
 106 competency to vote, (D) approve a support allowance for a spouse, (E)
 107 grant authority to elect the spousal share, (F) grant authority to

108 purchase real estate, (G) give instructions regarding administration of
109 a joint asset or liability, (H) distribute gifts, (I) grant authority to
110 consent to involuntary medication, (J) determine whether informed
111 consent has been given for voluntary admission to a hospital for
112 psychiatric disabilities, (K) determine life-sustaining medical
113 treatment, (L) transfer to or from another state, (M) modify the
114 conservatorship in connection with a periodic review, (N) excuse
115 accounts under rules of procedure approved by the Supreme Court
116 under section 45a-78, (O) terminate the conservatorship, and (P) grant
117 a writ of habeas corpus;

118 (7) With respect to a power of attorney: (A) Compel an account by
119 an agent, (B) review the conduct of an agent, (C) construe the power of
120 attorney, and (D) mandate acceptance of the power of attorney;

121 (8) Resolve a dispute concerning advance directives or life-
122 sustaining medical treatment when the individual does not have a
123 conservator or guardian;

124 (9) With respect to an elderly person as defined in section 17b-450:
125 (A) Enjoin an individual from interfering with the provision of
126 protective services to such elderly person, and (B) authorize the
127 Commissioner of Social Services to enter the premises of such elderly
128 person to determine whether such elderly person needs protective
129 services;

130 (10) With respect to an adult with intellectual disability: (A) Appoint
131 a temporary limited guardian, guardian or standby guardian, (B) grant
132 visitation, (C) determine competency to vote, (D) modify the
133 guardianship in connection with a periodic review, (E) determine life-
134 sustaining medical treatment, (F) approve an involuntary placement,
135 (G) review an involuntary placement, (H) authorize a guardian to
136 manage the finances of such adult, and (I) grant a writ of habeas
137 corpus;

138 (11) With respect to psychiatric disability: (A) Commit an individual
139 for treatment, (B) issue a warrant for examination of an individual at a

140 general hospital, (C) determine whether there is probable cause to
141 continue an involuntary confinement, (D) review an involuntary
142 confinement for possible release, (E) authorize shock therapy, (F)
143 authorize medication for treatment of psychiatric disability, (G) review
144 the status of an individual under the age of sixteen as a voluntary
145 patient, and (H) recommit an individual under the age of sixteen for
146 further treatment;

147 (12) With respect to drug or alcohol dependency: (A) Commit an
148 individual for treatment, (B) recommit an individual for further
149 treatment, and (C) terminate an involuntary confinement;

150 (13) With respect to tuberculosis: (A) Commit an individual for
151 treatment, (B) issue a warrant to enforce an examination order, and (C)
152 terminate an involuntary confinement;

153 (14) Compel an account by the trustee of an inter vivos trust,
154 custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of
155 an ecclesiastical society or cemetery association;

156 (15) With respect to a testamentary or inter vivos trust: (A)
157 Construe, divide, reform or terminate the trust, (B) enforce the
158 provisions of a pet trust, and (C) excuse a final account under rules of
159 procedure approved by the Supreme Court under section 45a-78;

160 (16) Authorize a fiduciary to establish a trust;

161 (17) Appoint a trustee for a missing person;

162 (18) Change a person's name;

163 (19) Issue an order to amend the birth certificate of an individual
164 born in another state to reflect a gender change;

165 (20) Require the Department of Public Health to issue a delayed
166 birth certificate;

167 (21) Compel the board of a cemetery association to disclose the

168 minutes of the annual meeting;

169 (22) Issue an order to protect a grave marker;

170 (23) Restore rights to purchase, possess and transport firearms;

171 (24) Issue an order permitting sterilization of an individual;

172 (25) Approve the transfer of structured settlement payment rights;
173 and

174 (26) With respect to any case in a Probate Court other than a
175 decedent's estate: (A) Compel or approve an action by the fiduciary,
176 (B) give advice or instruction to the fiduciary, (C) authorize a fiduciary
177 to compromise a claim, (D) list, sell or mortgage real property, (E)
178 determine title to property, (F) resolve a dispute between cofiduciaries
179 or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor
180 fiduciary or fill a vacancy in the office of fiduciary, (I) approve
181 fiduciary or attorney's fees, (J) apply the doctrine of cy pres or
182 approximation, (K) reconsider, modify or revoke an order, and (L)
183 decide an action on a probate bond.

184 Sec. 5. Section 45a-616 of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective January 1, 2020*):

186 (a) If any minor has no parent or guardian of his or her person, the
187 [Probate Court for the district in which the minor resides, is domiciled
188 or is located at the time of the filing of the petition may, on its own
189 motion,] following persons may petition the Probate Court to appoint
190 a guardian or coguardians of the person of the minor: [, taking] (1) Any
191 adult relative of the minor, including those by blood or marriage; (2) a
192 person with actual physical custody of the minor at the time the
193 petition is filed; or (3) counsel for the minor. The petition shall be filed
194 in the Probate Court in the district in which the minor resides, is
195 domiciled or is located at the time of the filing of the petition. When
196 appointing a guardian, the court shall take into consideration the
197 standards provided in section 45a-617. [Such] The court shall take of

198 such guardian or coguardians a written acceptance of guardianship
199 and, if the court deems it necessary for the protection of the minor, a
200 probate bond.

201 (b) If any minor has a parent or guardian, who is the sole guardian
202 of the person of the child, the Probate Court for the district in which
203 the minor resides, is domiciled or is located at the time of the filing of
204 the petition may, on the petition of the parent or guardian of such
205 child or of the Commissioner of Children and Families with the
206 consent of such parent or guardian and with regard to a child within
207 the care of the commissioner, appoint one or more persons to serve as
208 coguardians of the child. When appointing a guardian or guardians
209 under this subsection, the court shall take into consideration the
210 standards provided in section 45a-617. The court may order that the
211 appointment of a guardian or guardians under this subsection take
212 effect immediately or, upon request of the parent or guardian, upon
213 the occurrence of a specified contingency, including, but not limited to,
214 the mental incapacity, physical debilitation or death of that parent or
215 guardian. Upon the occurrence of such contingency and notice thereof
216 by written affidavit to the court by the appointed guardian or
217 guardians, such appointment shall then take effect and continue until
218 the further order of the court, provided the court may hold a hearing
219 to verify the occurrence of such contingency. The court shall take of
220 such guardian or coguardians a written acceptance of guardianship,
221 and if the court deems it necessary for the protection of the minor, a
222 probate bond.

223 (c) Upon receipt of a petition pursuant to this section, the court shall
224 set a time and place for a hearing to be held within thirty days of the
225 application, unless the court requests an investigation in accordance
226 with the provisions of section 45a-619, in which case the court shall set
227 a day for hearing not more than thirty days following receipt of the
228 results of the investigation. The court shall order notice of the hearing
229 to be given to the minor, if [over twelve years of] age twelve or older,
230 by first class mail [at least] not less than ten days prior to the date of
231 the hearing. In addition, notice by first class mail shall be given to the

232 petitioner and all other parties in interest known by the court.

233 (d) The rights and obligations of the guardian or coguardians shall
 234 be those described in subdivisions (5) and (6) of section 45a-604 and
 235 shall be shared with the parent or previously appointed guardian of
 236 the person of the minor. The rights and obligations of guardianship
 237 may be exercised independently by those who have such rights and
 238 obligations. In the event of a dispute between guardians or between a
 239 coguardian and a parent, the matter may be submitted to the Probate
 240 Court which appointed the guardian or coguardian.

241 (e) Upon the death of the parent or guardian, any appointed
 242 guardians of the person of a minor child shall become the sole
 243 guardians or coguardians of the person of that minor child.

244 (f) Notwithstanding the provisions of section 45a-604, for purposes
 245 of this section and section 45a-106a, as amended by this act, "minor" or
 246 "minor child" means (1) a person under the age of eighteen, or (2) an
 247 unmarried person under the age of twenty-one who (A) is dependent
 248 on a competent caregiver, (B) has consented to the appointment or
 249 continuation of a guardian after attaining the age of eighteen, and (C)
 250 files or on whose behalf is filed a petition for findings pursuant to
 251 section 45a-608n.

252 Sec. 6. Section 45a-678 of the general statutes is repealed and the
 253 following is substituted in lieu thereof (*Effective October 1, 2019*):

254 Any plenary guardian or limited guardian serving in accordance
 255 with the provisions of sections 45a-669 to 45a-683, inclusive, may be
 256 removed by the Probate Court which appointed such guardian and
 257 another person appointed guardian if the court making such
 258 appointment, after notice and hearing [as required in section 45a-671,]
 259 finds such removal and appointment of a new plenary guardian or
 260 limited guardian to be in the best interest of the protected person. In
 261 the event a petition for removal has been filed under this section, the
 262 attorney of record for the protected person shall have access to all of
 263 the records of the respondent.

264 Sec. 7. Section 45a-716 of the general statutes is repealed and the
265 following is substituted in lieu thereof (*Effective October 1, 2019*):

266 (a) Upon receipt of a petition for termination of parental rights, the
267 [Court of] Probate Court, or the Superior Court on a case transferred to
268 it from the [Court of] Probate Court in accordance with the provisions
269 of subsection (g) of section 45a-715, shall set a time and place for
270 hearing the petition. The time for hearing shall be not more than thirty
271 days after the filing of the petition, except, in the case of a petition for
272 termination of parental rights based on consent that is filed on or after
273 October 1, 2004, the time for hearing shall be not more than twenty
274 days after the filing of such petition.

275 (b) The court shall cause notice of the hearing to be given to the
276 following persons, as applicable: (1) The minor child, if age twelve or
277 older; (2) the parent or parents of the minor child, including any parent
278 who has been removed as guardian; [on or after October 1, 1973, under
279 section 45a-606; (2)] (3) the father of any minor child born out of
280 wedlock, provided at the time of the filing of the petition (A) he has
281 been adjudicated the father of such child by a court of competent
282 jurisdiction, (B) he has acknowledged in writing that he is the father of
283 such child, (C) he has contributed regularly to the support of such
284 child, (D) his name appears on the birth certificate, (E) he has filed a
285 claim for paternity as provided under section 46b-172a, or (F) he has
286 been named in the petition as the father of the child by the mother;
287 [(3)] (4) the guardian or any other person whom the court deems
288 appropriate; [(4)] (5) the Commissioner of Children and Families; and
289 [(5)] (6) the Attorney General. The Attorney General may file an
290 appearance and shall be and remain a party to the action if the child is
291 receiving or has received aid or care from the state, or if the child is
292 receiving child support enforcement services, as defined in subdivision
293 (2) of subsection (b) of section 46b-231. If the recipient of the notice is a
294 person described in subdivision [(1) or] (2) or (3) of this subsection or is
295 any other person whose parental rights are sought to be terminated in
296 the petition, the notice shall contain a statement that the respondent
297 has the right to be represented by counsel and that if the respondent is

298 unable to pay for counsel, counsel will be appointed for the
299 respondent. The reasonable compensation for such counsel shall be
300 established by, and paid from funds appropriated to, the Judicial
301 Department, except that in the case of a Probate Court matter, if funds
302 have not been included in the budget of the Judicial Department for
303 such purposes, such compensation shall be established by the Probate
304 Court Administrator and paid from the Probate Court Administration
305 Fund.

306 (c) Except as provided in subsection (d) of this section, notice of the
307 hearing and a copy of the petition, certified by the petitioner, the
308 petitioner's agent or attorney, or the clerk of the court, shall be served
309 [at least] not less than ten days before the date of the hearing by
310 personal service or service at the person's usual place of abode on the
311 persons enumerated in subsection (b) of this section who are within
312 the state, and by first class mail on the Commissioner of Children and
313 Families and the Attorney General. If the address of any person
314 entitled to personal service or service at the person's usual place of
315 abode is unknown, or if personal service or service at the person's
316 usual place of abode cannot be reasonably effected within the state, or
317 if any person enumerated in subsection (b) of this section is out of the
318 state, a judge or the clerk of the court shall order notice to be given by
319 registered or certified mail, return receipt requested, or by publication
320 [at least] not less than ten days before the date of the hearing. Any
321 such publication shall be in a newspaper of general circulation in the
322 place of the last-known address of the person to be notified, whether
323 within or without this state, or, if no such address is known, in the
324 place where the petition has been filed.

325 (d) In any proceeding pending in the [Court of] Probate Court, in
326 lieu of personal service on, or at the usual place of abode of, a parent or
327 the father of a child born out of wedlock who is either a petitioner or
328 who signs under penalty of false statement a written waiver of
329 personal service on a form provided by the Probate Court
330 Administrator, the court may order notice to be given by first class
331 mail [at least] not less than ten days before the date of the hearing. If

332 such delivery cannot reasonably be effected, or if the whereabouts of
333 the parents is unknown, notice shall be ordered to be given by
334 publication as provided in subsection (c) of this section.

335 Sec. 8. Section 45a-717 of the general statutes is repealed and the
336 following is substituted in lieu thereof (*Effective October 1, 2019*):

337 (a) At the hearing held on any petition for the termination of
338 parental rights filed in the [Court of] Probate Court under section 45a-
339 715, or filed in the Superior Court under section 17a-112, or transferred
340 to the Superior Court from the [Court of] Probate Court under section
341 45a-715, any party to whom notice was given shall have the right to
342 appear and be heard with respect to the petition. If a parent who is
343 consenting to the termination of such parent's parental rights appears
344 at the hearing on the petition for termination of parental rights, the
345 court shall explain to the parent the meaning and consequences of
346 termination of parental rights. Nothing in this subsection shall be
347 construed to require the appearance of a consenting parent at the
348 hearing regarding the termination of such parent's parental rights
349 except as otherwise provided by court order.

350 (b) If a respondent parent appears without counsel, the court shall
351 inform such respondent parent of his or her right to counsel and upon
352 request, if he or she is unable to pay for counsel, shall appoint counsel
353 to represent such respondent parent. No respondent parent may waive
354 counsel unless the court has first explained the nature and meaning of
355 a petition for the termination of parental rights. Unless the
356 appointment of counsel is required under section 46b-136, the court
357 may appoint counsel to represent or appear on behalf of any child in a
358 hearing held under this section to speak on behalf of the best interests
359 of the child. If the respondent parent is unable to pay for his or her
360 own counsel or if the child [or the parent or guardian of the child] is
361 unable to pay for the child's counsel, in the case of a Superior Court
362 matter, the reasonable compensation of counsel appointed for the
363 respondent parent or the child shall be established by, and paid from
364 funds appropriated to, the Judicial Department and, in the case of a

365 Probate Court matter, the reasonable compensation of counsel
 366 appointed for the respondent parent or the child shall be established
 367 by, and paid from funds appropriated to, the Judicial Department,
 368 however, in the case of a Probate Court matter, if funds have not been
 369 included in the budget of the Judicial Department for such purposes,
 370 such compensation shall be established by the Probate Court
 371 Administrator and paid from the Probate Court Administration Fund.

372 (c) The court shall, if a claim for paternity has been filed in
 373 accordance with section 46b-172a, continue the hearing under the
 374 provisions of this section until the claim for paternity is adjudicated,
 375 provided the court may combine the hearing on the claim for paternity
 376 with the hearing on the termination of parental rights petition.

377 (d) Upon finding at the hearing or at any time during the pendency
 378 of the petition that reasonable cause exists to warrant an examination,
 379 the court, on its own motion or on motion by any party, may order the
 380 child to be examined at a suitable place by a physician, psychiatrist or
 381 licensed clinical psychologist appointed by the court. The court may
 382 also order examination of a parent or custodian whose competency or
 383 ability to care for a child before the court is at issue. The [expenses]
 384 expense of any examination [if ordered by the court on its own motion
 385 shall be paid for by the petitioner or, if ordered on motion by a party,]
 386 shall be paid for by the [party moving for such an examination unless
 387 such party or petitioner is unable to pay such expenses in which case,
 388 they] petitioner, respondent or the party who requested the
 389 examination in such proportion as the court determines. If a party
 390 responsible for payment is indigent, such party's share of the expense
 391 shall be paid for by funds appropriated to the Judicial Department,
 392 however, in the case of a Probate Court matter, if funds have not been
 393 included in the budget of the Judicial Department for such purposes,
 394 [such expenses] the compensation of the physician, psychiatrist or
 395 psychologist shall be established by the Probate Court Administrator
 396 and paid from the Probate Court Administration Fund. The court may
 397 consider the results of the examinations in ruling on the merits of the
 398 petition.

399 (e) (1) The court may, and in any contested case shall, request the
400 Commissioner of Children and Families or any child-placing agency
401 licensed by the commissioner to make an investigation and written
402 report to it, within ninety days from the receipt of such request. The
403 report shall indicate the physical, mental and emotional status of the
404 child and shall contain such facts as may be relevant to the court's
405 determination of whether the proposed termination of parental rights
406 will be in the best interests of the child, including the physical, mental,
407 social and financial condition of the biological parents, and any other
408 factors which the commissioner or such child-placing agency finds
409 relevant to the court's determination of whether the proposed
410 termination will be in the best interests of the child. (2) If such a report
411 has been requested, upon the expiration of such ninety-day period or
412 upon receipt of the report, whichever is earlier, the court shall set a day
413 for a hearing not more than thirty days thereafter. The court shall give
414 reasonable notice of such adjourned hearing to all parties to the first
415 hearing, [including the child, if over fourteen years of age,] and to such
416 other persons as the court shall deem appropriate. (3) The report shall
417 be admissible in evidence, subject to the right of [any interested] a
418 party to require that the person making it appear as a witness [, if
419 available, and subject himself] and be subject to examination.

420 (f) At the adjourned hearing or at the initial hearing where no
421 investigation and report has been requested, the court may approve a
422 petition for termination of parental rights based on consent filed
423 pursuant to this section terminating the parental rights and may
424 appoint a guardian of the person of the child, or if the petitioner
425 requests, the court may appoint a statutory parent, if it finds, upon
426 clear and convincing evidence that (1) the termination is in the best
427 interest of the child and (2) such parent has voluntarily and knowingly
428 consented to termination of the parent's parental rights with respect to
429 such child. If the court denies a petition for termination of parental
430 rights based on consent, it may refer the matter to an agency to assess
431 the needs of the child, the care the child is receiving and the plan of the
432 parent for the child. Consent for the termination of the parental right of

433 one parent does not diminish the parental rights of the other parent of
434 the child nor does it relieve the other parent of the duty to support the
435 child.

436 (g) At the adjourned hearing or at the initial hearing where no
437 investigation and report has been requested, the court may approve a
438 petition terminating the parental rights and may appoint a guardian of
439 the person of the child, or, if the petitioner requests, the court may
440 appoint a statutory parent, if it finds, upon clear and convincing
441 evidence, that (1) the termination is in the best interest of the child, and
442 (2) (A) the child has been abandoned by the parent in the sense that the
443 parent has failed to maintain a reasonable degree of interest, concern
444 or responsibility as to the welfare of the child; (B) the child has been
445 denied, by reason of an act or acts of parental commission or omission,
446 including, but not limited to, sexual molestation and exploitation,
447 severe physical abuse or a pattern of abuse, the care, guidance or
448 control necessary for the child's physical, educational, moral or
449 emotional well-being. Nonaccidental or inadequately explained
450 serious physical injury to a child shall constitute prima facie evidence
451 of acts of parental commission or omission sufficient for the
452 termination of parental rights; (C) there is no ongoing parent-child
453 relationship which is defined as the relationship that ordinarily
454 develops as a result of a parent having met on a continuing, day-to-
455 day basis the physical, emotional, moral and educational needs of the
456 child and to allow further time for the establishment or
457 reestablishment of the parent-child relationship would be detrimental
458 to the best interests of the child; (D) a child of the parent (i) was found
459 by the Superior Court or the Probate Court to have been neglected,
460 abused or uncared for, as those terms are defined in section 46b-120, in
461 a prior proceeding, or (ii) is found to be neglected, abused or uncared
462 for and has been in the custody of the commissioner for at least fifteen
463 months and such parent has been provided specific steps to take to
464 facilitate the return of the child to the parent pursuant to section 46b-
465 129 and has failed to achieve such degree of personal rehabilitation as
466 would encourage the belief that within a reasonable time, considering

467 the age and needs of the child, such parent could assume a responsible
468 position in the life of the child; (E) a child of the parent, who is under
469 the age of seven years is found to be neglected, abused or uncared for,
470 and the parent has failed, is unable or is unwilling to achieve such
471 degree of personal rehabilitation as would encourage the belief that
472 within a reasonable amount of time, considering the age and needs of
473 the child, such parent could assume a responsible position in the life of
474 the child and such parent's parental rights of another child were
475 previously terminated pursuant to a petition filed by the
476 Commissioner of Children and Families; (F) the parent has killed
477 through deliberate, nonaccidental act another child of the parent or has
478 requested, commanded, importuned, attempted, conspired or solicited
479 such killing or has committed an assault, through deliberate,
480 nonaccidental act that resulted in serious bodily injury of another child
481 of the parent; (G) except as provided in subsection (h) of this section,
482 the parent committed an act that constitutes sexual assault as
483 described in section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b
484 or 53a-73a or compelling a spouse or cohabitor to engage in sexual
485 intercourse by the use of force or by the threat of the use of force as
486 described in section 53a-70b, if such act resulted in the conception of
487 the child; or (H) the parent was finally adjudged guilty of sexual
488 assault under section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b
489 or 53a-73a or of compelling a spouse or cohabitor to engage in sexual
490 intercourse by the use of force or by the threat of the use of force under
491 section 53a-70b, if such act resulted in the conception of the child.

492 (h) If the petition alleges an act described in subparagraph (G) of
493 subdivision (2) of subsection (g) of this section that resulted in the
494 conception of the child as a basis for termination of parental rights and
495 the court determines that the respondent parent was finally adjudged
496 not guilty of such act of sexual assault under section 53a-70, 53a-70a,
497 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73 or of compelling a spouse or
498 cohabitor to engage in sexual intercourse by the use of force or by the
499 threat of the use of force under section 53a-70b, the court shall transfer
500 the case to the Superior Court and the clerk of the Probate Court shall

501 transmit to the clerk of the Superior Court to which the case was
502 transferred, the original files and papers in the case. The Superior
503 Court, upon hearing after notice as provided in this section and section
504 45a-716, as amended by this act, may grant the petition as provided in
505 this section.

506 (i) Except in the case where termination is based on consent, in
507 determining whether to terminate parental rights under this section,
508 the court shall consider and shall make written findings regarding: (1)
509 The timeliness, nature and extent of services offered, provided and
510 made available to the parent and the child by a child-placing agency to
511 facilitate the reunion of the child with the parent; (2) the terms of any
512 applicable court order entered into and agreed upon by any individual
513 or child-placing agency and the parent, and the extent to which all
514 parties have fulfilled their obligations under such order; (3) the
515 feelings and emotional ties of the child with respect to the child's
516 parents, any guardian of the child's person and any person who has
517 exercised physical care, custody or control of the child for at least one
518 year and with whom the child has developed significant emotional
519 ties; (4) the age of the child; (5) the efforts the parent has made to
520 adjust such parent's circumstances, conduct or conditions to make it in
521 the best interest of the child to return the child to the parent's home in
522 the foreseeable future, including, but not limited to, (A) the extent to
523 which the parent has maintained contact with the child as part of an
524 effort to reunite the child with the parent, provided the court may give
525 weight to incidental visitations, communications or contributions and
526 (B) the maintenance of regular contact or communication with the
527 guardian or other custodian of the child; and (6) the extent to which a
528 parent has been prevented from maintaining a meaningful relationship
529 with the child by the unreasonable act or conduct of the other parent of
530 the child, or the unreasonable act of any other person or by the
531 economic circumstances of the parent.

532 (j) If the parental rights of only one parent are terminated, the
533 remaining parent shall be sole parent and, unless otherwise provided
534 by law, guardian of the person.

(k) In the case where termination of parental rights is granted, the guardian of the person or statutory parent shall report to the court within thirty days of the date judgment is entered on a case plan, as defined by the federal Adoption and Safe Families Act of 1997, as amended from time to time, for the child. At least every three months thereafter, such guardian or statutory parent shall make a report to the court on the implementation of the plan. The court may convene a hearing upon the filing of a report and shall convene a hearing for the purpose of reviewing the plan no more than twelve months from the date judgment is entered or from the date of the last permanency hearing held pursuant to subsection (k) of section 46b-129 if the child or youth is in the care and custody of the Commissioner of Children and Families, whichever is earlier, and at least once a year thereafter until such time as any proposed adoption plan has become finalized. If the Commissioner of Children and Families is the statutory parent for the child, at such a hearing the court shall determine whether the department has made reasonable efforts to achieve the permanency plan. In the case where termination of parental rights is granted, the guardian of the person or statutory parent shall obtain the approval of the court prior to placing the child or youth for adoption outside the state. Before ordering or approving such placement, the court shall make findings concerning compliance with the provisions of section 17a-175. Such findings shall include, but not be limited to: (1) A finding that the state has received notice in writing from the receiving state, in accordance with subsection (d) of Article III of section 17a-175, indicating that the proposed placement does not appear contrary to the interests of the child, (2) the court has reviewed such notice, (3) whether or not an interstate compact study or other home study has been completed by the receiving state, and (4) if such a study has been completed, whether the conclusions reached by the receiving state as a result of such study support the placement.

Sec. 9. Section 45a-718 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) If a child is free for adoption as provided in section 45a-725, and

569 no appointment of a statutory parent has been made under section
 570 17a-112 or section 45a-717, as amended by this act, the [Court of]
 571 Probate Court shall appoint a statutory parent for the child upon
 572 petition for appointment of a statutory parent by the guardian of the
 573 person of the child or a duly authorized officer of any child care
 574 facility or child-placing agency. The petition shall be filed in the [court
 575 of probate] Probate Court for the district in which the petitioner or
 576 child resides or in the district in which the main office or any local
 577 office of the petitioner or the proposed statutory parent is located. The
 578 statutory parent shall be the Commissioner of Children and Families
 579 or a child-placing agency. Notice of the proceeding shall be sent to the
 580 guardian of the person, the child, if [over the age of twelve] age twelve
 581 or older, the [applicant] petitioner, the Commissioner of Children and
 582 Families and the proposed statutory parent by [registered or certified
 583 mail or otherwise, at least] first class mail not less than ten days before
 584 the date of the hearing. Notice is not required for any party who files
 585 in court a written waiver of notice.

586 (b) The statutory parent shall be the guardian of the person of the
 587 child, shall be responsible for the welfare of the child and the
 588 protection of [his] the child's interests and shall retain custody of the
 589 child until [he] the child attains the age of eighteen unless, before that
 590 time, [he] the child is legally adopted or committed to the
 591 Commissioner of Children and Families or a licensed child-placing
 592 agency.

593 (c) Any statutory parent may resign or be removed for good cause
 594 shown. Upon filing of [an application] a petition for the removal of a
 595 statutory parent or filing of a resignation of a statutory parent in the
 596 [court of probate] Probate Court in which the statutory parent was
 597 appointed, the court shall schedule a hearing, on the removal
 598 application or resignation. Notice of such hearing shall be sent in
 599 accordance with section 45a-716, as amended by this act, except that
 600 notice need not be sent to any parties whose rights have previously
 601 been terminated. At the hearing the court may accept the resignation,
 602 remove the statutory parent, or deny the [application] petition for

603 removal. If a statutory parent is removed or resigns, the [court of
604 probate] Probate Court shall appoint a new statutory parent or a
605 guardian of the person.

606 Sec. 10. Section 45a-186 of the general statutes is repealed and the
607 following is substituted in lieu thereof (*Effective from passage*):

608 [(a) Except as provided in sections 45a-187 and 45a-188, any person
609 aggrieved by any order, denial or decree of a Probate Court in any
610 matter, unless otherwise specially provided by law, may, not later than
611 forty-five days after the mailing of an order, denial or decree for a
612 matter heard under any provision of section 45a-593, 45a-594, 45a-595
613 or 45a-597, sections 45a-644 to 45a-677, inclusive, or sections 45a-690 to
614 45a-705, inclusive, and not later than thirty days after mailing of an
615 order, denial or decree for any other matter in a Probate Court, appeal
616 therefrom to the Superior Court. Such an appeal shall be commenced
617 by filing a complaint in the superior court in the judicial district in
618 which such Probate Court is located, or, if the Probate Court is located
619 in a probate district that is in more than one judicial district, by filing a
620 complaint in a superior court that is located in a judicial district in
621 which any portion of the probate district is located, except that (1) an
622 appeal under subsection (b) of section 12-359, subsection (b) of section
623 12-367 or subsection (b) of section 12-395 shall be filed in the judicial
624 district of Hartford, and (2) an appeal in a matter concerning removal
625 of a parent as guardian, termination of parental rights or adoption
626 shall be filed in any superior court for juvenile matters having
627 jurisdiction over matters arising in any town within such probate
628 district. The complaint shall state the reasons for the appeal. A copy of
629 the order, denial or decree appealed from shall be attached to the
630 complaint. Appeals from any decision rendered in any case after a
631 recording is made of the proceedings under section 17a-498, 17a-543,
632 17a-543a or 17a-685, sections 45a-644 to 45a-667v, inclusive, or section
633 51-72 or 51-73 shall be on the record and shall not be a trial de novo.]

634 (a) As used in this section and section 45a-187, as amended by this
635 act, "electronic service" has the same meaning as provided in section 1

636 of this act.

637 (b) Any person aggrieved by an order, denial or decree of a Probate
 638 Court may appeal therefrom to the Superior Court. An appeal from a
 639 matter heard under any provision of section 45a-593, 45a-594, 45a-595
 640 or 45a-597, sections 45a-644 to 45a-677, inclusive, or sections 45a-690 to
 641 45a-705, inclusive, shall be filed not later than forty-five days after the
 642 date on which the Probate Court sent the order, denial or decree.
 643 Except as provided in sections 45a-187 and 45a-188, as amended by
 644 this act, an appeal from an order, denial or decree in any other matter
 645 shall be filed on or before the thirtieth day after the date on which the
 646 Probate Court sent the order, denial or decree. The appeal period shall
 647 be calculated from the date on which the court sent the order, denial or
 648 decree by mail or the date on which the court transmitted the order,
 649 denial or decree by electronic service, whichever is later.

650 (c) An appeal shall be commenced by filing a complaint in the
 651 Superior Court in the judicial district in which such Probate Court is
 652 located, or, if the Probate Court is located in a probate district that is in
 653 more than one judicial district, by filing a complaint in a Superior
 654 Court that is located in a judicial district in which any portion of the
 655 probate district is located, except that (1) an appeal under subsection
 656 (b) of section 12-359, subsection (b) of section 12-367 or subsection (b)
 657 of section 12-395 shall be filed in the judicial district of Hartford, and
 658 (2) an appeal in a matter concerning removal of a parent as guardian,
 659 termination of parental rights or adoption shall be filed in any Superior
 660 Court for juvenile matters having jurisdiction over matters arising in
 661 any town within such probate district. The complaint shall state the
 662 reasons for the appeal. A copy of the order, denial or decree appealed
 663 from shall be attached to the complaint.

664 (d) An appeal from a decision rendered in any case after a recording
 665 of the proceedings is made under section 17a-498, 17a-543, 17a-543a or
 666 17a-685, sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-
 667 73, shall be on the record and shall not be a trial de novo.

668 [(b)] (e) Each person who files an appeal pursuant to this section
 669 shall serve a copy of the complaint on each interested party. The
 670 failure of any person to make such service shall not deprive the
 671 Superior Court of jurisdiction over the appeal. Notwithstanding the
 672 provisions of section 52-50, service of the copy of the complaint shall
 673 be by state marshal, constable or an indifferent person. Service shall be
 674 in hand or by leaving a copy at the place of residence of the interested
 675 party being served or at the address for the interested party on file
 676 with the Probate Court, except that service on a respondent or
 677 conserved person in an appeal from an action under part IV of chapter
 678 802h shall be in hand by a state marshal, constable or an indifferent
 679 person.

680 [(c)] (f) In addition to the notice given under subsection [(b)] (e) of
 681 this section, each person who files an appeal pursuant to this section
 682 shall mail a copy of the complaint to the Probate Court that rendered
 683 the order, denial or decree appealed from. The Probate Court and the
 684 [judge of] probate judge that rendered the order, denial or decree
 685 appealed from shall not be made parties to the appeal and shall not be
 686 named in the complaint as parties.

687 [(d)] (g) Not later than fifteen days after a person files an appeal
 688 under this section, the person who filed the appeal shall file or cause to
 689 be filed with the clerk of the Superior Court a document containing (1)
 690 the name, address and signature of the person making service, and (2)
 691 a statement of the date and manner in which a copy of the complaint
 692 was served on each interested party and mailed to the Probate Court
 693 that rendered the order, denial or decree appealed from.

694 [(e)] (h) If service has not been made on an interested party, the
 695 Superior Court, on motion, shall make such orders of notice of the
 696 appeal as are reasonably calculated to notify any necessary party not
 697 yet served.

698 [(f)] (i) A hearing in an appeal from probate proceedings under
 699 section 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a,

700 17a-685, 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682,
701 45a-699, 45a-703 or 45a-717, as amended by this act, shall commence,
702 unless a stay has been issued pursuant to subsection [(g)] (j) of this
703 section, not later than ninety days after the appeal has been filed.

704 [(g)] (j) The filing of an appeal under this section shall not, of itself,
705 stay enforcement of the order, denial or decree from which the appeal
706 is taken. A motion for a stay may be made to the Probate Court or the
707 Superior Court. The filing of a motion with the Probate Court shall not
708 preclude action by the Superior Court.

709 [(h)] (k) Nothing in this section shall prevent any person aggrieved
710 by any order, denial or decree of a Probate Court in any matter, unless
711 otherwise specially provided by law, from filing a petition for a writ of
712 habeas corpus, a petition for termination of involuntary representation
713 or a petition for any other available remedy.

714 [(i)] (l) (1) Except for matters described in subdivision (3) of this
715 subsection, in any appeal filed under this section, the appeal may be
716 referred by the Superior Court to a special assignment probate judge
717 appointed in accordance with section 45a-79b, who is assigned by the
718 Probate Court Administrator for the purposes of such appeal, except
719 that such appeal shall be heard by the Superior Court if any party files
720 a demand for such hearing in writing with the Superior Court not later
721 than twenty days after service of the appeal.

722 (2) An appeal referred to a special assignment probate judge
723 pursuant to this subsection shall proceed in accordance with the rules
724 for references set forth in the rules of the judges of the Superior Court.

725 (3) The following matters shall not be referred to a special
726 assignment probate judge pursuant to this subsection: Appeals under
727 sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to
728 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688,
729 inclusive, children's matters as defined in subsection (a) of section 45a-
730 8a, sections 45a-644 to 45a-663, inclusive, 45a-668 to 45a-683, inclusive,
731 and 45a-690 to 45a-700, inclusive, and any matter in a Probate Court

732 heard on the record in accordance with sections 51-72 and 51-73.

733 Sec. 11. Section 45a-186a of the general statutes is repealed and the
734 following is substituted in lieu thereof (*Effective from passage*):

735 (a) In an appeal from an order, denial or decree of a [court of
736 probate] Probate Court made after a hearing that is on the record
737 [pursuant to subsection (a) of section 45a-186,] under section 17a-498,
738 17a-543, 17a-543a or 17a-685, sections 45a-644 to 45a-667v, inclusive, or
739 section 51-72 or 51-73, not later than thirty days after service is made of
740 such appeal under section 45a-186, as amended by this act, or within
741 such further time as may be allowed by the Superior Court, the [Court
742 of] Probate Court shall transcribe any portion of the recording of the
743 proceedings that has not been transcribed. The expense for such
744 transcript shall be charged against the person who filed the appeal,
745 except that if the person who filed the appeal is unable to pay such
746 expense and files an affidavit with the court demonstrating the
747 inability to pay, the expense of the transcript shall be paid by the
748 Probate Court Administrator and paid from the Probate Court
749 Administration Fund.

750 (b) The [Court of] Probate Court shall transmit to the Superior Court
751 the original or a certified copy of the entire record of the proceeding
752 from which the appeal was taken. The record shall include, but not be
753 limited to, the findings of fact and conclusions of law, separately
754 stated, of the [Court of] Probate Court.

755 (c) An appeal from an order, denial or decree made after a hearing
756 on the record under section 17a-498, 17a-543, 17a-543a or 17a-685,
757 sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-73, shall
758 be heard by the Superior Court without a jury, and may be referred to
759 a state referee appointed under section 51-50l. The appeal shall be
760 confined to the record. If alleged irregularities in procedure before the
761 [court of probate] Probate Court are not shown in the record or if facts
762 necessary to establish such alleged irregularities in procedure are not
763 shown in the record, proof limited to such alleged irregularities may

764 be taken in the Superior Court. The Superior Court, on request of any
765 party, shall hear oral argument and receive written briefs.

766 Sec. 12. Section 45a-186b of the general statutes is repealed and the
767 following is substituted in lieu thereof (*Effective from passage*):

768 In an appeal taken under section 45a-186, as amended by this act,
769 from a matter heard on the record in the [Court of] Probate Court
770 under section 17a-498, 17a-543, 17a-543a or 17a-685, sections 45a-644 to
771 45a-667v, inclusive, or section 51-72 or 51-73, the Superior Court shall
772 not substitute its judgment for that of the [Court of] Probate Court as
773 to the weight of the evidence on questions of fact. The Superior Court
774 shall affirm the decision of the [Court of] Probate Court unless the
775 Superior Court finds that substantial rights of the person appealing
776 have been prejudiced because the findings, inferences, conclusions or
777 decisions are: (1) In violation of the federal or state constitution or the
778 general statutes, (2) in excess of the statutory authority of the [Court
779 of] Probate Court, (3) made on unlawful procedure, (4) affected by
780 other error of law, (5) clearly erroneous in view of the reliable,
781 probative and substantial evidence on the whole record, or (6)
782 arbitrary or capricious or characterized by abuse of discretion or
783 clearly unwarranted exercise of discretion. If the Superior Court finds
784 such prejudice, the Superior Court shall sustain the appeal and, if
785 appropriate, may render a judgment that modifies the [Court of
786 Probate's] Probate Court's order, denial or decree or remand the case to
787 the [Court of] Probate Court for further proceedings. For the purposes
788 of this section, a remand is a final judgment.

789 Sec. 13. Section 45a-187 of the general statutes is repealed and the
790 following is substituted in lieu thereof (*Effective from passage*):

791 (a) An appeal by persons of the age of majority who are present or
792 who have legal notice to be present, or who have been given notice of
793 their right to request a hearing or have filed a written waiver of their
794 right to a hearing, shall be taken within the time provided in section
795 45a-186, as amended by this act, except as otherwise provided in this

796 section. If such persons have no notice to be present and are not
 797 present, or have not been given notice of their right to request a
 798 hearing, such appeal shall be taken within twelve months, except for
 799 appeals by such persons from an order of termination of parental
 800 rights, other than an order of termination of parental rights based on
 801 consent, or a decree of adoption, in which case appeal shall be taken
 802 within ninety days. An appeal from an order of termination of parental
 803 rights based on consent, which order is issued on or after October 1,
 804 2004, shall be taken within twenty days. The appeal periods set forth in
 805 this section shall be calculated from the date on which the court sent
 806 the order, denial or decree by mail or the date on which the court
 807 transmitted the order, denial or decree by electronic service, whichever
 808 is later.

809 (b) An order, denial or decree of a [court of probate] Probate Court
 810 shall not be invalid because of the disqualification of the judge unless
 811 an appeal therefrom is taken within the time provided in [section 45a-
 812 186, this section and section 45a-188] this section and sections 45a-186
 813 and 45a-188, as amended by this act.

814 Sec. 14. Section 45a-188 of the general statutes is repealed and the
 815 following is substituted in lieu thereof (*Effective from passage*):

816 (a) Except as provided in this section, all appeals by persons who
 817 are minors at the time of the making of the order, denial or decree
 818 appealed from shall be taken within twelve months after they arrive at
 819 the age of majority.

820 (b) In the case of any minor who has a guardian or guardian ad
 821 litem appointed and qualified by any [court of probate] Probate Court
 822 in this state at the time of the making of the order, denial or decree, the
 823 minor or anyone on his or her behalf may appeal therefrom within the
 824 time provided in section 45a-186, as amended by this act, if the
 825 guardian or guardian ad litem had legal notice of the time and place of
 826 the hearing.

827 (c) Any judge or clerk of the [Court of] Probate Court or any

828 fiduciary may cause written notice of any order, denial or decree of the
 829 [Court of] Probate Court to be given to any person of the age of
 830 majority, or to the guardian or guardian ad litem of any minor who
 831 has not had legal notice of the hearing on the proceeding at which the
 832 order, denial or decree was passed and who may be aggrieved thereby.
 833 In any such case the person, minor, guardian or guardian ad litem may
 834 appeal only within the time provided in section 45a-186, as amended
 835 by this act, after receiving such notice.

836 Sec. 15. Subsection (a) of section 45a-193 of the general statutes is
 837 repealed and the following is substituted in lieu thereof (*Effective*
 838 *October 1, 2019*):

839 (a) In any appeal from any order or decree of a [court of probate]
 840 Probate Court, if the appellee is the party who applied for the order or
 841 decree and if the appellee appears in the Superior Court to contest the
 842 matter being appealed, the court may, at its discretion, order the
 843 appellee to give bond to the state for the payment to the appellant of
 844 [his] the appellant's costs of suit if judgment is rendered for the
 845 appellant.

846 Sec. 16. Section 17a-276 of the general statutes is repealed and the
 847 following is substituted in lieu thereof (*Effective July 1, 2019*):

848 (a) All persons admitted to a state training school, regional facility
 849 or other facility provided for the care and training of persons with
 850 intellectual disability shall, until discharged therefrom either by the
 851 commissioner or by operation of law, be under the custody and control
 852 of the director of such facility. All costs of care and training shall be
 853 provided pursuant to section 17b-223. Notice of discharge shall be sent
 854 by the Department of Developmental Services to such person or his or
 855 her legal representative and the Probate Court.

856 (b) Any person with intellectual disability placed with the
 857 Department of Developmental Services pursuant to section 17a-274
 858 may request a review of his or her placement by the Probate Court at
 859 any time after issuance of the original order of placement and once a

860 year thereafter. Such request shall be in writing, shall state the reasons
 861 for review and shall be made by the person with intellectual disability
 862 or any other person acting on his or her behalf. Such request shall be
 863 filed with the Probate Court, one copy shall be served on the
 864 Commissioner of Developmental Services and one copy shall be served
 865 on the person in charge of the facility in which the person with
 866 intellectual disability is placed. The hearing on such request shall be
 867 held not later than ten days, excluding Saturdays, Sundays and
 868 holidays, after the date of the filing of such request.

869 (c) At such hearing the person with intellectual disability shall have
 870 the same rights as provided under subsections (c), (d), (e) and (f) of
 871 section 17a-274. The Department of Developmental Services shall
 872 notify each person placed pursuant to section 17a-274 at least annually
 873 that such person has the right to a hearing to review the
 874 appropriateness and adequacy of his or her placement. At such
 875 hearing, if the court finds that the person is no longer in need of
 876 placement, the court shall order the placement terminated. If the court
 877 finds that the person's placement does not adequately meet his or her
 878 needs in the least restrictive environment available or which can be
 879 created within existing resources of the department, the court shall
 880 order the department to place such person in such least restrictive
 881 environment as the court deems available.

882 [(d) If, within five years from the date of placement, any person
 883 placed on or after October 1, 1982, has not requested a hearing to
 884 review his or her placement, the Department of Developmental
 885 Services shall notify the Probate Court which placed such person. The
 886 Probate Court, upon such notice, shall proceed in accordance with
 887 subsections (b) and (c) of this section to schedule a hearing to
 888 determine if the placement should be continued and whether such
 889 placement adequately meets his or her habilitative needs in the least
 890 restrictive environment available or which can be created within
 891 existing resources of the department.]

892 Sec. 17. Section 45a-653 of the general statutes is repealed. (*Effective*

893 July 1, 2019)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>January 1, 2020</i>	17a-101j
Sec. 3	<i>from passage</i>	45a-2a
Sec. 4	<i>July 1, 2019</i>	45a-106a(b)
Sec. 5	<i>January 1, 2020</i>	45a-616
Sec. 6	<i>October 1, 2019</i>	45a-678
Sec. 7	<i>October 1, 2019</i>	45a-716
Sec. 8	<i>October 1, 2019</i>	45a-717
Sec. 9	<i>October 1, 2019</i>	45a-718
Sec. 10	<i>from passage</i>	45a-186
Sec. 11	<i>from passage</i>	45a-186a
Sec. 12	<i>from passage</i>	45a-186b
Sec. 13	<i>from passage</i>	45a-187
Sec. 14	<i>from passage</i>	45a-188
Sec. 15	<i>October 1, 2019</i>	45a-193(a)
Sec. 16	<i>July 1, 2019</i>	17a-276
Sec. 17	<i>July 1, 2019</i>	Repealer section

Statement of Purpose:

To make various revisions to statutes affecting the operation of the state's Probate Courts.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]